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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY DEPUTY

JONATHAN Langley, §
 PLAINTIFF, §
 V. §
 INTERNATIONAL BUSINESS §
 MACHINES CORPORATION, §
 DEFENDANT. §

CAUSE NO. 1:18-CV-443-LY

ORDER

Before the court is Defendant IBM's Partial Appeal from the Magistrate Judge's September 20, 2019 Order Compelling Document Production by Senior-Level Executives filed October 4, 2019 (Doc. #193). Defendant International Business Machines Corporation ("IBM") appeals United States Magistrate Judge Andrew Austin's Order rendered September 20, 2019, granting Plaintiff Jonathan Langley's Motion to Compel Requests for Production and ordering IBM to respond to Requests for Production Nos. 24-27, 149-154, and 156 (Doc. #185)), which was referred to the magistrate judge for resolution pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended.

After considering IBM's objections, the magistrate judge's order, and the case file, this court finds that the ruling is not clearly erroneous nor is it contrary to law and concludes that the objections raised in IBM's appeal should be overruled. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Rule 4 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas; *Castillo v. Frank*, 70 F.3d 382, 385-86 (5th Cir. 1995).

As noted by the magistrate judge in his September 20, 2019 order, "IBM has been given

many opportunities to provide a reasonable means by which to define the universe of relevance for this case, and has failed each time.” The court concludes that the magistrate judge’s adoption of the word search method proposed by Langley is proper. Requiring production of records from senior executives is appropriate only where there is “a sufficient showing that this information is necessary and not cumulative of other materials.” *Harris v. Union Pac. R.R. Co.*, 2018 WL 2729131, at *4 (D. Neb. June 6, 2018). However, the court agrees with the magistrate judge’s determination that “the numerous public statements by IBM’s Chief Executive Officer can easily be read to suggest that IBM needed to replace older workers with Millenials, combined with other public statements suggesting that in the past five years IBM has replaced half of its 350,000 person workforce with young employees, is more than enough to meet this burden.” Therefore,

IT IS ORDERED that Defendant IBM’s Partial Appeal from the Magistrate Judge’s September 20, 2019 Order Compelling Document Production by Senior-Level Executives filed October 4, 2019 (Doc. #193) is **OVERRULED**.

IT IS FINALLY ORDERED that the Magistrate Judge’s September 20, 2019 Order (Doc. #185) is **AFFIRMED**.

SIGNED this 8th day of October, 2019.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE